

REMARKS

Claims 1-2, 4-19, 21-22, and 24-34 remain pending. Claims 3 and 23 have been cancelled. Claims 1, 16-19, and 21 have been amended. Applicant reserves the right to present the original and other claims in this and other applications. Reconsideration and withdrawal of all outstanding objections and rejections are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 17-19 stand objected to because the preambles for these claims differed from that of claim 16, from which they each depend. Claims 17-19 have been amended to obviate the objection, and reconsideration is requested.

Claims 1-6, 8-19, 21-26, and 28-34 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,160,778 to Ito et al. ("Ito"). The rejection is traversed and reconsideration is requested.

The present invention, as embodied by independent claim 1 recites a defect management information setting method comprising "dividing the data area into a plurality of partial areas such that logical addresses continue and setting defect management information for each partial area, wherein the plurality of partial areas includes first and second partial areas corresponding to first and second data types for recording thereon and a partial area where defect management is not performed." Ito does not teach or suggest all of the claim limitations recited by claim 1.

The Office Action asserts that "AV data" in "File-A" in Ito represents the claimed "partial area where defect management is not performed" because "information is carried out in real time." Office Action, at 3. However, with respect to "File A," Ito teaches:

It is assumed that a defective block f is detected while recording the AV data extent of the file A in an area provided for the AV data extent. In such a case, the defective block f is skipped. As a result, the AV data extent of the file A is recorded while being divided into an AV data extent I (File-A) (including the data blocks d and e) and another AV data extent II (File-A) (including the data blocks g and h). . . . The second SDL entry 22 in the

SDL 13 indicates that the defective block f (which was detected while recording AV data on the disk 1 and thus skipped) is not replaced by a replacement block.

Ito, at col. 11, ll.41-60. Accordingly, Ito explicitly discloses skipping block f and managing the block f. This corresponds to “slip replacement,” as discussed in the present application at p. 20. It does not, however, teach or suggest that no defect management is carried out in the AV data.

For at least these reasons, claim 1 is submitted to be allowable over the cited prior art. Claims 2-15 depend either directly or indirectly from claim 1, and are therefore also submitted to be allowable.

Independent claim 16 recites “a computer readable recording medium recording a program. . . causing a control computer . . . to execute: a step of dividing a data area into a plurality of partial areas such that logical addresses continue and setting defect management information for each partial area, wherein the plurality of partial areas includes first and second partial areas corresponding to first and second data types for recording thereon and a partial area where defect management is not performed.” For all of the reasons given above regarding the allowability of claim 1, claim 16 and claims 17-19 dependent thereon are also submitted to be allowable.

Independent claim 21 recites an information recording apparatus comprising “setting means for dividing a data area of the information recording medium into a plurality of partial areas such that logical addresses continue. . . wherein the plurality of partial areas includes first and second partial areas corresponding to first and second data types for recording thereon and a partial area where defect management is not performed.” For all of the reasons given above regarding the allowability of claim 1, claim 21 and claims 22-34 dependent thereon are also submitted to be allowable.

Claims 7 and 27 stand under 35 U.S.C. 103(a) as being obvious over Ito in view of U.S. Patent No. 5,237,533 to Fukushima. The rejections are traversed and reconsideration is requested.

Claims 7 and 27 depend, respectively, from claims 1 and 21. For whatever Fukishima teaches regarding the particular limitations recited by these dependent claims, Fukishima does not cure the deficiencies of Ito as explained above. Accordingly, claims 7 and 27 are also submitted to be allowable.

In view of the above amendment, applicant believes the pending application is in condition for immediate allowance.

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Respectfully submitted,

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